

REMARKS

Claims 1, 3-10 and 14-20 are pending in the present application. Claims 11, 13 and 21 have been cancelled without prejudice.

Claims 1, 3, 4 and 14 were rejected under 35 USC §103(a) as being unpatentable over US Patent No. 5884425 (*Baldwin*) in view of US Patent No. 6462765 (*Conwell*). Applicant respectfully asserts that *Conwell* is not prior art. At the time the invention was made *Conwell* and the invention was owned by the same person or subject to an obligation of assignment to the same person. Further, *Conwell* does not teach using vinyl as the label material. The label in *Conwell* is made of polyester. Thus, claim 1 is patentable as are claims 3, 4-6 and 14-16 that depend directly or indirectly from claim 1.

Claims 5, 6, 15 and 16 were rejected under 35 USC §103(a) as being unpatentable over *Baldwin* in view of *Conwell* and in further view of US Patent 5981166 (*Mandecki*). As discussed above, *Conwell* is not prior art and even if it were, it does not teach using a vinyl label material. Further, one skilled in the art would not combine *Mandecki* with *Baldwin* and/or *Conwell*. There must be some teaching, suggestion or motivation in the prior art to combine references. Here, there is no teaching or suggestion to combine *Mandecki* with *Baldwin* and/or *Conwell*. In fact, *Mandecki* teaches away from the combination of references. *Mandecki* teaches a method for identifying a pure chemical compound or mixture for use in scientific studies. The sample must not become contaminated. Contrary, the Examiner's assertion, *Mandecki* does not teach or suggest using holograms in conjunction with transponders. Rather, *Mandecki* discloses using holograms as an alternative to transponders. See, *Mandecki* at col. 4, lines 44-49. Thus, there is no teaching or suggestion to combine *Mandecki* with *Baldwin* and/or *Conwell*. Accordingly, claims 5, 6, 15 and 16 are patentable.

Claims 7, 8, 17 and 18 were rejected under 35 USC §103(a) as being unpatentable over *Baldwin* in view of US Patent No. 5477219 (*Zarembo*). *Baldwin* does not teach or suggest a tamper evident RFID tag with all the limitations of claim 7. *Zarembo* does not make up the deficiencies of *Baldwin*. *Zarembo* does not teach or suggest a tamper evident RFID tag with all the limitations of claim 7. Specifically, in *Zarembo* the layer of reflective microspheres is an entire layer where some microspheres have a different degree of reflectivity to provide a reflective legend. *Zarembo* does not teach or suggest a pattern of

microspheres where separation of the tag from the substrate results in an incomplete separation of the adhesive in the form of the pattern allowing said pattern to be visible. Because the micro spheres are over an entire layer in *Zarembo* any separation would not result in the pattern becoming visible, but rather would result in the destruction of the legend. Accordingly, *Zarembo* alone or in combination with *Baldwin* does not teach or suggest a tamper evident label with all the limitations of claim 7. Thus, claims 7, 8 and 17-18 are patentable.

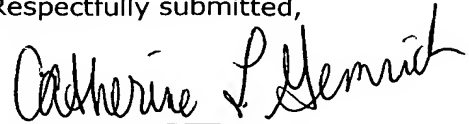
Claims 9, 10, 19 and 20 were rejected under 35 USC §103(a) as being unpatentable over *Baldwin* in view of *Zarembo* and *Mandecki*. Claims 9 and 10 depend indirectly from claim 7. As discussed above, *Baldwin* alone or in combination with *Zarembo* does not teach or suggest a label with all the limitations of claim 7. *Mandecki* does not make up the deficiencies. *Mandecki* does not make up the limitations in *Baldwin* and/or *Zarembo*. As discussed above, *Mandecki* does not teach or suggest a tag in combination with a hologram and/or microprinting. Rather, *Mandecki* teaches using microprinting and/or a hologram in place of a transponder. Further, as discussed above there is no teaching or suggestion to combine references and one skilled would not combine the references. Thus, claims 9, 10, 19 and 20 are patentable.

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CONCLUSION

Applicant asserts that all of the objections have been obviated and, therefore now respectfully requests withdrawal of the objections, and allowance of the application.

Respectfully submitted,

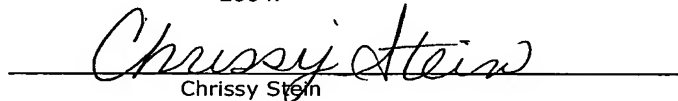


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